

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEROY WILLIAMS,

Plaintiff,

v.

STATE OF WASHINGTON,

Defendant.

Case No. C12-1114-RSM

**REPORT AND
RECOMMENDATION**

Plaintiff, proceeding pro se, filed a pleading entitled “ADMIMSTRATIVE NOTICE; IN THE NATURE OF WRIT OF ERROR CORAM NOBIS & DEMAND FOR DISMISSAL OR STATE THE PROPER JURISDICTION” (Dkt. 1) and an application to proceed in forma pauperis (“IFP”). Dkt. 4. After reviewing plaintiff's pleading, the Court recommends the matter be **DISMISSED** without prejudice for failure to state a claim upon which relief may be granted, and that the IFP application be **DENIED** as moot. See 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1).

DISCUSSION

A plaintiff must “plead a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). This statement must be sufficient to “give the defendant fair notice of what the plaintiff’s claim is and the grounds upon which it rests.” *Conley*

1 *v. Gibson*, 355 U.S. 41, 47 (1957). The factual allegations of a complaint must be “enough to
2 raise a right to relief above the speculative level.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544,
3 555 (2007). To survive dismissal, a complaint must contain sufficient factual matter that states a
4 claim to relief that is plausible on its face. *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1950 (2009). A
5 complaint may be dismissed as a matter of law if it lacks a cognizable legal theory or states
6 insufficient facts under a cognizable legal theory. *Robertson v. Dean Witter Reynolds, Inc.*, 749
7 F.2d 530, 534 (9th Cir. 1984).

8 Under 28 U.S.C. § 1915(e), the district court must dismiss a case “at any time” it
9 determines a complaint is frivolous or fails to state a claim on which relief may be granted. 28
10 U.S.C. § 1915(e)(2). Section 1915(e) applies to all IFP proceedings, not just those filed by
11 prisoners. *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000).

12 Here plaintiff’s pleading is incomprehensible and appears to be somehow related to
13 certain state criminal and civil matters. Dkt. 1. The pleading fails to present facts sufficient to
14 state a claim of relief or to place the opposing party on notice of the nature of plaintiff’s claims.
15 As plaintiff has failed to state a cognizable legal claim against any opposing party, his proposed
16 complaint is frivolous. Accordingly, the Court recommends plaintiff’s proposed pleading, Dkt.
17 1, be **DISMISSED** without prejudice, and that his IFP application, Dkt. 4, be **DENIED** as moot.
18 See 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1). A proposed order accompanies this Report
19 and Recommendation.

20 Any objections to this Recommendation must be filed and served upon all parties no later
21 than **July 30, 2012**. The Clerk should note the matter for **August 3, 2012**, as ready for the
22 District Judge’s consideration if no objection is filed. If objections are filed, any response is due
23 within 14 days after being served with the objections. A party filing an objection must note the

1 matter for the Court's consideration 14 days from the date the objection is filed and served. The
2 matter will then be ready for the Court's consideration on the date the response is due.
3 Objections and responses shall not exceed ten pages. The failure to timely object may affect the
4 right to appeal.

5 DATED this 16th day of July, 2012.

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8 BRIAN A. TSUCHIDA
9 United States Magistrate Judge
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